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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2008 FEB 21 PM 4:34

UNITED STATES OF AMERICA, Plaintiff, v. **Def 1) Pablo GUZMAN-Zacarias, Def 2) Israel MORALES-Amaro** Defendant(s) ,	Magistrate Case No. **'08 MJ 0512** COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens; Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

KNH DEPUTY

The undersigned complainant, being duly sworn, states:

Count 1

On or about **February 20, 2008,** within the Southern District of California, defendants **Pablo GUZMAN-Zacarias and Israel MORALES-Amaro** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Angel RODRIGUEZ-Garcia, Alvesa ROSALES-Trinidad,** and **Rigoberto GUERRERO-Rosas** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

Count 2

On or about **February 20, 2008,** within the Southern District of California, defendant **Israel MORALES-Amaro**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Angel RODRIGUEZ-Garcia, Alvesa ROSALES-Trinidad,** and **Rigoberto GUERRERO-Rosas** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Andrew Kahl SPA
SIGNATURE OF COMPLAINANT
Andrew Kahl
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **FEBRUARY 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Pablo GUZMAN-Zacarias, Israel MORALES-Amaro

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Jose Angel RODRIGUEZ-Garcia, Alvesa ROSALES-Trinidad,** and **Rigoberto GUERRERO-Rosas** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 19, 2008, at approximately 8:15 p.m., Border Patrol Agents D. Salgado, and J. Wilson were performing patrol duties in the Boulevard Border Patrol Station's area of responsibility. The station received a citizen's report that a white van was stopped at the side of the road near Airport Mesa, near Jacumba, California and illegal aliens were loading into it.

Airport Mesa is located approximately one half mile north of the International Border and 25 miles east of the Tecate, California port of Entry. This area is commonly used by alien and drug smugglers to smuggle their illicit loads into the United States due to the area's sparse population and ease of access to Interstate 8. Interstate 8 is an east/west interstate highway that parallels the border in this area. From Interstate 8 smugglers can easily access northbound highways that lead away from the border into the interior of the United States.

The scope operator overlooking that area observed a vehicle that appeared to be the van parked at the side of the road. He observed it parked there for approximately one minute and then observed the van depart the area, east bound on Old Highway 80, heading east toward El Centro.

Minutes later Agents Wilson and Salgado observed a van matching the description passing their positions along Old Hwy 80 traveling eastbound toward Interstate 8. This was the only vehicle on the road at the time. As the van passed Agent Salgado's location, he illuminated the van with the headlights of his marked service vehicle. Agent Salgado noticed the van appeared to be heavily laden in the rear and the rear of the van bounced as it entered Interstate 8. The agents followed the van as it headed toward Inkopah Park Road.

Eastbound Interstate 8 in this area travels down a steep and curvy grade, known as the Inkopah Grade, into the desert area of Imperial County. When the van reached the bottom of the grade the driver of the van pulled to the side of the road. Agents Salgado and Wilson, believing that the vehicle was about to bail out and create a safety hazard on the roadway activated their overhead emergency lights.

Both agents approached the van and observed numerous people stuffed in the back of the van. At this time there was nobody in the driver seat of the van. It should be noted that no one was wearing seatbelts and there were a total of twenty two peopled confined to a very small enclosed space with no seats.

Agents Wilson and Salgado identified themselves as United States Border Patrol Agents and questioned all of the individuals as to their immigration status. All subjects admitted to being citizens and nationals of Mexico illegally present in the United States. At this time the van was seized and all subjects were placed under arrest and transported to the Boulevard Station for further processing. Five cellular phones and two Kenwood two way radios were recovered from the van and seized as evidence.

CONTINUATION OF COMPLAINT:
Pablo GUZMAN-Zacarias, Israel MORALES-Amaro

Routine record checks of the group revealed an alert on defendant **Pablo GUZMAN-Zacarias** as a known foot guide in the Boulevard area and to notify Senior Patrol Agent A. Kahl when apprehended. Agents also believed that that defendant **Israel MORALES-Amaro** was the suspected driver in the load as he was the only one in the group who was not wearing a coat. It was very cold that evening and it was not likely that MORALES had crossed the border that night on foot without one.

Agent Kahl was notified and defendants GUZMAN and MORALES and the group in the smuggling load were transferred to Chula Vista Border Patrol Station for processing.

Statement of defendant Pablo GUZMAN-Zacarias:

Defendant **GUZMAN** was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation.

Defendant GUZMAN admits that he is a citizen and national of Mexico illegally present in the United States. The defendant admits that he was offered 1500 Pesos (approximately $300 US) for each alien successfully smuggled into the United States. On the night of February 19, 2008 he and another foot guide led a group of 23 undocumented aliens from Mexico into the United States. They crossed through a hilly area near a spot known to smugglers as "El Rancho". This area is about a 20 minute ride from Tijuana. The other guide had a two-way radio and maintained contact with spotters up in the hills above them. They arrived at a road and a large white van arrived. The person who arrived in the van was the driver. After they drove away the Border Patrol began following them. After they stopped the driver jumped in the back and tried to blend in with the smuggled aliens. Defendant **GUZMAN** identified defendant **Israel MORALES-Amaro** as the driver of the load van through a selection of photographs of the apprehended group

Statement of Defendant Israel MORALES-Amaro:

Defendant **MORALES** was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation.

Defendant MORALES admits that he is an undocumented Mexican national illegally present in the United States. The defendant admits that he became involved in the smuggling of undocumented aliens by a friend named "Cesar" who had offered him work as a load driver picking up undocumented aliens. The defendant admits that he works for an alien smuggler known as "El Migue" and was to be paid $100.00 (USD) for each alien he successfully smuggled. When questioned about last night's event, the defendant stated that he crossed by himself yesterday afternoon in the Jacume area. He walked to a gas station at the Jacumba Exit where he met up with an unknown subject who gave him the white commercial van. He was in touch with this subject via a black Nokia cellular phone. He also stated that there was a two-way hand-held radio in the van but he never used it. The defendant then went south from the gas station and was instructed via cell phone where to go in order to pick up the aliens. He said the pick up spot was between SR 94 and I-8 and that the spotters who were in communication with him told him where to stop. He stated that 15 undocumented aliens piled into the van and that he was aware that these persons did not have documents allowing them to be in the United States legally. He drove away and quickly a Border Patrol unit got behind him. The defendant then stated that he pulled over, opened the door separating him from the cargo compartment and dove in back with the smuggled aliens. He said he did this in hopes that he could blend in with the smuggled aliens and agents wouldn't be able to identify him as the driver. Defendant **MORALES** identified, **Juan Carlos SANDOVAL-Arroyo,** through a selection of photographs of the apprehended group as one of the foot guides who had crossed the group. MORALES stated he did not know who the other guide was.

Statements of Material Witnesses:

Material witnesses **Jose Angel RODRIGUEZ-Garcia, Alvesa ROSALES-Trinidad and Rigoberto GUERRERO-Rosas** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $3,000.00 to $3,500.00 (US) to be smuggled into the United States. Material witnesses ROSALES-Trinidad and RODRIGUEZ-Garcia were shown a photographic line up and were able to identify defendant #1 **Pablo GUZMAN-Zacaria** and Juan SANDOVAL-Arroyo as the foot guides of the group and defendant #2 **Israel MORALES-Amaro** as the driver of the vehicle. Material Witness GUERRERO-Rosas was shown a photographic line up and was able to identify defendant #1 **Pablo GUZMAN-Zacaria** and Juan SANDOVAL-Arroyo as the foot guides of the group.

Andrew Kahl SPA

Andrew Kahl
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

2/21/08, 1617 hrs
Date/Time